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Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the combined fifth and sixth periodic reports of Mexico*

I. General information

1. Please explain to what extent recent constitutional reforms have, in practice, promoted the enjoyment and realization of economic, social and cultural rights and describe the mechanisms in place to ensure the enforceability and justiciability of those rights. Please provide information on specific judicial decisions relating to the rights set forth in the Covenant and on the extent to which those decisions have been enforced.

2. Please provide information on the security situation faced by human rights defenders, in particular defenders of economic, social and cultural rights. Please indicate what measures have been taken to protect defenders of economic, social and cultural rights from all acts of reprisal, including acts of violence, harassment, threats and attempts on their lives and attempts to inflict bodily harm. Please provide information on the number of complaints filed, the number of cases investigated and prosecuted, and the number of convictions handed down in such cases.

3. Please provide information on the legislative and regulatory measures, policies and guidelines that have been adopted to ensure that corporations respect economic, social and cultural rights in all of their operations. In particular, please report on the progress made towards the adoption of the National Action Plan on Business and Human Rights and on the steps taken to ensure that the principle of due diligence is upheld in all corporate operations.

II. Issues relating to general provisions of the Covenant (arts. 1-5)

Right to freely dispose of natural wealth and resources (art. 1 (2))

4. Please provide further information on the circumstances in which prior consultation procedures are conducted with a view to obtaining the prior, free and informed consent of indigenous peoples in respect of all decision-making processes that may affect them, including when the granting of concessions and the implementation of investment projects are involved. Please explain how prior consultations were conducted regarding constitutional reforms related to energy issues, in particular the Hydrocarbons Act. In this connection, please provide an exhaustive list of prior consultation processes that have taken place in the last five years. Please provide further information on the mechanisms in place

* Adopted by the pre-sessional working group at its eighty-seventh session (27 February to 3 March 2017).

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for the return of ancestral land to indigenous peoples and the progress made in granting legal recognition thereto.

Obligation to take steps to the maximum of available resources (art. 2 (1))

5. Please explain to what extent the State party has established budgetary guarantees for the maximum use of available resources to ensure that economic, social and cultural rights are fully realized. Please indicate what percentage of each budget line is devoted to social expenditure at the federal level, particularly for employment, social security, housing, health and education, and what percentage has been executed over the last five years. Please also provide information on the State party's fiscal policy and, in particular, the steps taken to help ensure that taxation is more progressive in redistributive terms.

Non-discrimination (art. 2 (2))

6. In the light of the information provided in paragraph 12 of the State party's report, please provide information on the specific measures that have been taken to address the discriminatory situation in the exercise of rights relating to health, food, education, work and access to credit identified in the 2012 report on discrimination in Mexico produced by the National Council for the Prevention of Discrimination. Please indicate what impact those measures and the measures taken to promote equality have had in ensuring the enjoyment of economic, social and cultural rights by the most disadvantaged and marginalized groups.

Equal rights of men and women (art. 3)

7. Please provide information, including statistical data, on the specific results that have been obtained in terms of combating structural discrimination against women and in promoting women's exercise of their economic, social and cultural rights as a consequence of the implementation of the National Programme on Equal Opportunity and Non-Discrimination against Women (2013-2018). Please also indicate whether, at the Programme's current stage, namely one year before its completion, there has been any assessment of the results achieved and, if so, whether there are any plans for its continuation.

8. Please provide information on the concrete results achieved through the implementation of the Comprehensive Programme to Prevent, Address, Punish and Eradicate Violence against Women and, in particular, the step taken to prevent femicide. Please provide information on cases involving violence against women, including domestic violence and femicide, in the last five years and indicate how many of those cases have been investigated and taken to trial and how many offenders have been duly punished.

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Right to work (art. 6)

9. Please provide updated statistics for the past five years on unemployment and underemployment rates, disaggregated by age, sex, ethnic or national origin, educational level, income and urban/rural area of residence. In the light of the information provided in paragraph 26 of the State party's report, please provide further information on the impact of the programmes carried out by the National Employment Service, in particular with regard to youth, women and persons with disabilities.

10. Please provide information on the measures taken to formalize the informal economy so that workers employed in that sector of the economy are protected by labour laws and are able to contribute to the system and its revenues.

Right to just and favourable conditions of work (art. 7)

11. Please indicate how the State party makes sure that the minimum wage is sufficient to provide workers and their families with a decent living.

12. Please explain how measures implemented by the State party have helped to ensure the incorporation of women into the workforce and to reduce the gender wage gap and occupational segregation by sex. Please provide further information on how the State party ensures that the principle of equal pay for work of equal value is applied.

13. Please provide specific information on the measures taken by the State party to improve working conditions for agricultural workers and day labourers, as well as workers belonging to indigenous peoples. Please also provide information on the investigations and sanctions imposed in cases in which the right to just and favourable conditions of work of those workers has been violated.

14. Please provide information on measures adopted by the State party to prevent accidents and work-related diseases and to ensure that occupational health services, including compensation, in particular in the mining sector, are available for all workers, throughout all of the State party's jurisdictions. Please furnish information on the steps taken by the State party to ensure the effective and unrestricted operation of the labour inspection system and on the human, technical and material resources allocated to the system.

Trade union rights (art. 8)

15. Please indicate what specific measures the State party has taken to prevent assaults, threats and attacks against trade union leaders and members. Please provide information on the investigations that have been conducted into these violations and the results they have produced.

16. In the light of the Committee's previous recommendation (see E/C.12/MEX/CO/4, para. 34) and the information provided in annex XXIII of the State party's report, please provide further information on the progress made in guaranteeing the right to trade union freedom in the State party. In particular, please describe the content of the "protection agreements" generally concluded between employers and trade union leaders and explain how they are negotiated. Please indicate what measures the State party has taken to ensure that those agreements do not constitute an obstacle to trade union freedom and collective bargaining.

Right to social security (art. 9)

17. Please indicate what specific measures the State party is taking to deal with challenges in the field of social security. In particular, please provide information on the measures taken by the State party to move towards achieving universal social security coverage, especially for the most disadvantaged and marginalized groups, persons working in the informal economy and older persons. Please report on the progress made in establishing a social protection floor in the State party.

Protection of the family and children (art. 10)

18. Please provide updated information, including disaggregated statistical data, on the proportion of children and adolescents who are involved in labour activities in the State party and what impact those activities have on the exercise of their economic, social and cultural rights, in particular the rights to education and health. Please also provide information on the impact of measures taken to prevent children under the age of 15 years from engaging in labour activities and to prevent children from working in hazardous conditions.

19. Please provide information on the specific steps taken by the State party to prevent children from becoming street children and to protect children who are in that situation. Please indicate what measures have been taken to provide comprehensive protection for unaccompanied migrant children and adolescents and internally displaced children. In particular, please indicate how the State party ensures that those children and adolescents have effective access to their economic, social and cultural rights, in particular the rights to education and health services.

Right to an adequate standard of living (art. 11)

20. Please provide updated information, including disaggregated statistical data, on the impact of measures taken to combat poverty and extreme poverty, in particular on the outcomes of the PROSPERA programme. Please furnish information on the resources allocated for the implementation of such measures and indicate whether those resources have proved to be sufficient.

21. Please provide disaggregated data on the incidence of malnutrition in the State party. Please provide information on the specific outcomes of the implementation of various programmes relating to food and food security and explain how those programmes are fostering local agricultural production.

22. Please provide information on the efforts being made by the State party in ensuring universal access to safe drinking water and on access to sanitation, especially for the most disadvantaged and marginalized groups. Please provide further information on the steps taken to ensure water quality and to protect water resources, in particular in the context of the exploitation of natural resources and industrial activities.

23. Please provide further information, including statistical data, on the impact which the National Housing Policy has had in reducing the housing shortage and in helping to ensure the accessibility of social housing, in particular for disadvantaged and marginalized families, in both rural areas and deprived urban areas.

Right to physical and mental health (art. 12)

24. Please provide information, including statistical data, on how measures taken have helped ensure the accessibility, availability and quality of health services in the State party, especially in rural and remote areas and for the most disadvantaged and marginalized groups, including persons on a low income and older persons.

25. Please report on the steps taken by the State party to ensure the accessibility and availability of sexual and reproductive health services and information for all women and adolescents in all states. Please provide information on the steps taken by the State party to investigate complaints of mistreatment and medical negligence affecting women in the course of the provision of obstetric health services.

26. In the light of the information provided in paragraph 160 of the State party's report, please provide information on the mental health policy adopted by the State party and on the specific steps being taken to ensure the accessibility and availability of adequate mental health services throughout the country.

27. Please indicate whether or not an exhaustive, independent assessment has been made of the impact that air, water and soil pollution have on the right to health. Please also describe the measures that have been adopted to prevent and, when appropriate, rectify the situation in this respect.

Right to education (arts. 13 and 14)

28. Please provide information on measures taken to improve the quality of both primary and secondary education in the State party, particularly in rural and remote areas, including measures to improve school infrastructure and accessibility. Please indicate what measures have been taken to increase the number of qualified teachers and to ensure that they are provided with adequate initial education, in-service training and satisfactory working conditions, salaries and benefits.

29. Please explain how the State party ensures that all children and adolescents, particularly indigenous children, children of African descent, migrant children, child refugees and asylum seekers, have genuine access to preschool education and free primary education. Please furnish information, including statistical data, on the concrete results of the measures that have been adopted in order to provide indigenous children and adolescents with access to intercultural education and instruction in their own languages. Please provide information on the specific steps that have been taken to increase secondary school enrolment and lower the secondary school dropout rate.

Cultural rights (art. 15)

30. Please report on the measures taken to help ensure that indigenous peoples are able to preserve, develop, express and disseminate their identity, history, culture, traditions and customs. Please provide further information on the specific steps taken, including administrative measures, to recognize, register and protect the collective authorship of indigenous peoples of their traditional knowledge and cultural heritage and to prevent the unauthorized use of scientific, literary and artistic productions of indigenous peoples by third parties.

31. Please provide information on measures taken to ensure access to information and freedom of expression as essential means for promoting participation in cultural and social life, in particular to guarantee the security of journalists and the free exercise of their profession. Please provide information on the progress of investigations into cases of murdered journalists in the last five years and their outcomes.

32. Please provide more information on how measures taken, in particular the Special Programme for Science, Technology and Innovation 2014-2018, have helped promote scientific research. Please also indicate to what extent scientific and technological advances, including access to the Internet, benefit the most disadvantaged and marginalized individuals and groups.